

**ORDINANCE NO. 2017-13-CM**  
**AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF TIPPECANOE COUNTY, INDIANA, TO REZONE CERTAIN REAL ESTATE FROM R1 TO I2**

**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF TIPPECANOE COUNTY, INDIANA:**

**Section 1:** The Unified Zoning Ordinance of Tippecanoe County, Indiana, being a separate ordinance and not part of a unified county code is hereby amended to rezone the following described real estate situated in Wabash Township, Tippecanoe County, Indiana

**See attached Exhibit A**

**Section 2:** The above-described real estate should be and the same is hereby rezoned from R1 to I2.

**Section 3:** This ordinance shall be in full force and effect from and after its adoption.

**(Adopted And Passed)** (Denied) by the Board Of Commissioners of Tippecanoe County, Indiana, this 7 day of August, 2017.

VOTE:

<u>YES</u>	<u>Tracy Brown</u> Tracy Brown, President
<u>yes</u>	<u>Thomas Murtaugh</u> Thomas Murtaugh, Vice President
<u>yes</u>	<u>David Byers</u> David Byers, Member

ATTEST:

Robert Plantenga  
Robert Plantenga, Auditor



**EXHIBIT A**

**LEGAL DESCRIPTION**

A part of the Southeast Quarter of the Northwest Quarter of Section One (1), Township Twenty-three (23) North, Range Five (5) West, described as follows: Commencing at the Northeast Corner of the Southeast Quarter of the Northwest Quarter of said Section; thence South  $00^{\circ}47'51''$  East along the East Line thereof 124.57 feet to the Point of Beginning; thence continuing South  $00^{\circ}47'51''$  East along said East Line 260.00 feet; thence South  $89^{\circ}05'01''$  West 1375.50 feet to the center line of Morehouse Road; thence North  $03^{\circ}37'28''$  West along said center line 20.02 feet; thence North  $89^{\circ}05'01''$  East 751.29 feet; thence North  $00^{\circ}52'54''$  West 240.00 feet; thence North  $89^{\circ}05'01''$  East 625.55 feet to the Point of Beginning, containing 4.077 Acres, more or less. Located in Wabash Township, Tippecanoe County, Indiana.

**TO BE KNOWN AS:**

Lot Numbered One (1) in Tippecanoe Memory Gardens Minor Subdivision Number One (1).



THE

# Area Plan Commission

of TIPPECANOE COUNTY

20 NORTH 3RD STREET  
LAFAYETTE, INDIANA 47901-1209

(765) 423-9242  
(765) 423-9154 [FAX]  
www.tippecanoe.in.gov/apc

SALLIE DELL FAHEY  
EXECUTIVE DIRECTOR

July 20, 2017  
Ref. No.: 17-240

Tippecanoe County Commissioners  
20 North 3<sup>rd</sup> Street  
Lafayette, IN 47901

## CERTIFICATION

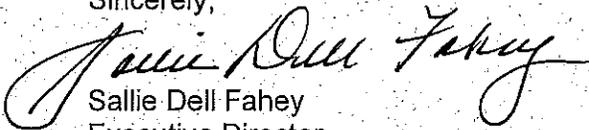
RE: **Z-2695--TIPPECANOE MEMORY GARDENS, INC. (R1 to I2):**  
Petitioner is requesting rezoning of 4.077 acres (Tippecanoe Memory Gardens Minor Subdivision, Lot 1) in order to build a proposed crematory on property located near the northeast corner of the existing cemetery property, approximately 1000' north of Kalberer Road, and 750' east of Morehouse, Wabash 1 (NW) 23-5.

Dear Commissioners:

As Secretary to the Area Plan Commission of Tippecanoe County, I do hereby certify that at a public hearing held on July 19, 2017 the Area Plan Commission of Tippecanoe County voted 14 yes - 0 no on the motion to rezone the subject real estate from R1 to I2. Therefore, the Area Plan Commission of Tippecanoe County recommends to the Tippecanoe County Commissioners that the proposed rezoning ordinance be APPROVED for the property described in the attachment.

Public Notice has been given that this petition will be heard before the Tippecanoe County Commissioners at their August 7, 2017 regular meeting. Petitioners or their representatives must appear to present their case.

Sincerely,



Sallie Dell Fahey  
Executive Director

SDF/lmu

Enclosures: Staff Report & Ordinances

cc: Craig Rice, Tippecanoe Memory Gardens  
Daniel Teder  
Mike Wolf, Tippecanoe County Building Commissioner



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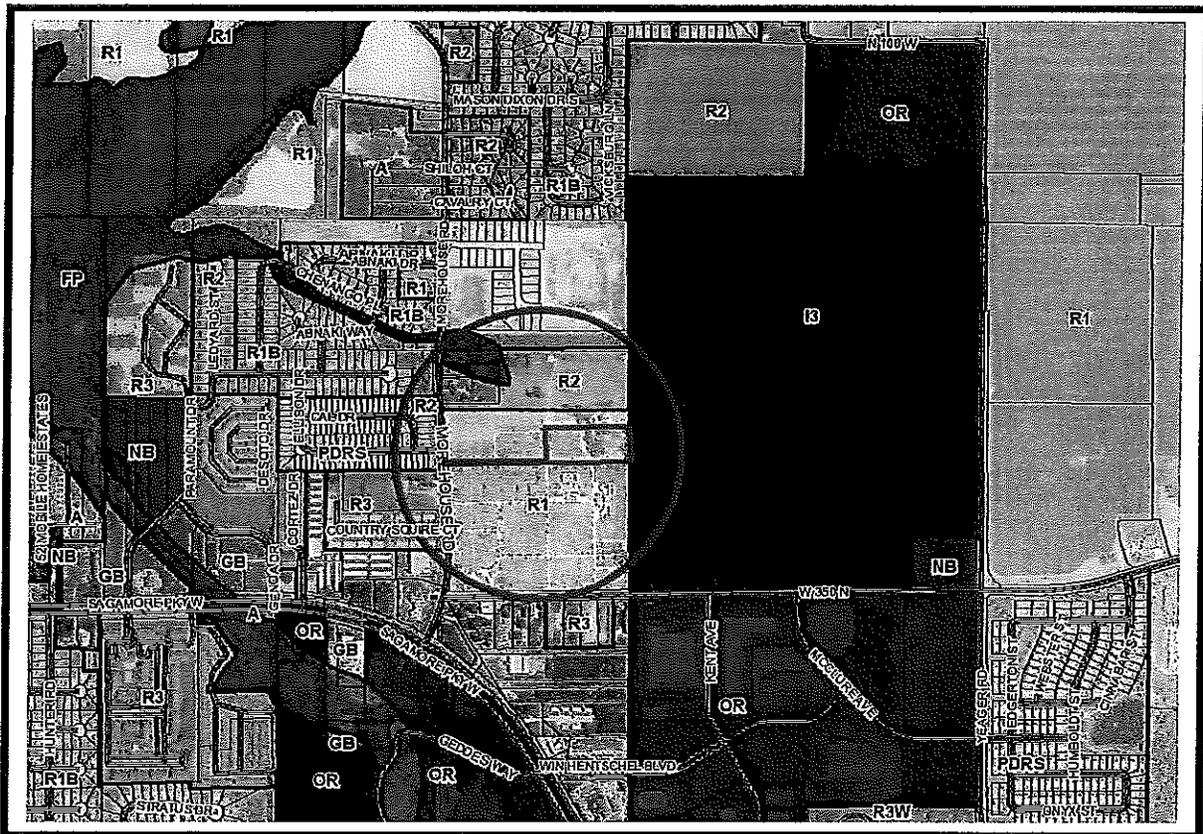
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Z-2695  
TIPPECANOE MEMORY GARDENS, INC.  
(R1 to I2)

STAFF REPORT  
July 17, 2017

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**Z-2695**  
**TIPPECANOE MEMORY GARDENS, INC.**  
**R1 to I2**

**Staff Report**  
**July 13, 2017**

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**REQUEST MADE, PROPOSED USE, LOCATION:**

Petitioner is requesting rezoning of 4.077 acres (Tippecanoe Memory Gardens Minor Subdivision, Lot 1) in order to build a proposed crematory on property located near the northeast corner of the existing cemetery property, approximately 1000' north of Kalberer Road, and 750' east of Morehouse, in Wabash 01 (NW) 23-5.

A request for primary approval of the minor sketch plan for the same property is also on this agenda (S-4697).

**ZONING HISTORY AND AREA ZONING PATTERNS:**

This land has been zoned R1 since the inception of zoning in the county. Likewise the property to the east has been zoned Industrial since 1965. Properties to the north were rezoned to R2 from R1 over the course of several rezone requests (Z-1936, Z-1937 and Z-1945). Land to the west across Morehouse Road is zoned R3 (Z-1519 and Z-2545) and PDRS (Z-2064). A large GB zone exists farther to the southeast of the property in question.

**AREA LAND USE PATTERNS:**

The proposed lot and the land adjacent to the south, west and north have been owned and used by Tippecanoe Memory Gardens as a cemetery since the 1960's. Undeveloped properties associated with Purdue Research Foundation exist to the east. Bordering the east property line of the cemetery property is a trail maintained by the West Lafayette Parks Department. A few lots with single-family homes exist to the northwest along Morehouse Road. To the west across Morehouse Road is Colony Pines, a single-family and two-family mixed residential planned development. Apartment units associated with Country Squire Court are also built to the west across Morehouse Road; this development recently received preliminary plat approval to expand the existing apartment complex by adding 5 new apartment buildings to the existing 15 (S-4653 and S-4688).

**TRAFFIC AND TRANSPORTATION:**

Morehouse Road is classified by the *Thoroughfare Plan* as a rural secondary arterial; traffic counts taken in 2013 show average daily trips of 5306 vehicles travel this road. The *2045 Metropolitan Transportation Plan* recommends rural to urban improvements for Morehouse Road at this location. The highway department recently delegated engineering work to be conducted in order to determine the scope and detail design of the expansion along Morehouse Road between US 52 and Hadley Lake. This road is expected to be expanded from the existing two lanes to three lanes with sidewalk on one side and trail on the other.

**ENVIRONMENTAL AND UTILITY CONSIDERATIONS:**

American Suburban Utilities sanitary sewer and Indiana American water exists nearby to serve this site. Any future development on this site would require necessary connection from these utility providers in the area.

If both rezone and minor subdivision requests are approved, a 20' wide type C bufferyard would be required along the north, south and west property line where it abuts residentially zoned land.

**STAFF COMMENTS:**

In February of 2017, petitioner filed a special exception for the property south of Kalberer Road which has a small, GB-zoned funeral home with the intention of expanding its services to include a crematory. During the review of the request for special exception, staff expressed concern about various byproducts of the cremation process that would have a significant impact on neighboring property owners and their uses. Particularly because petitioner also requested a reduction of the rear setback for the building which is surrounded by properties associated with Burgett's Learning Center. This daycare has a daily attendance of approximately 200 children. Later petitioner withdrew the special exception request and proceeded only with the rear setback variance request which was approved by the ABZA. Petitioner then met with staff to discuss an appropriate location for a crematory at the existing cemetery land north of Kalberer Road. As a result of this extensive discussion with petitioner and attorney Dan Teder about the future development of the cemetery business, staff recommended the area in this request next to existing I3 zoned property to be more appropriate for a proposed crematory service.

The cemetery at this location has been in operation since the 1960's. The UZO permits cemeteries in R1 zones whereas crematories are allowed by special exception in GB zones in association with a funeral home and in industrial zones by right. Petitioner's intent to build a crematory at this location would require an appropriate Industrial zone. Staff's report for the special exception suggested that the crematory use could fit in this general area, on the north side of Kalberer, and closer to the cemetery. This request is supportable as an ample amount of I3 zoned properties exist adjoining to the east and approving this request would create contiguous industrial zoning at this location. Additionally, if both the proposed minor subdivision and this request are approved, petitioner would be able to provide wide-ranging services related to the cemetery at one location.

**STAFF RECOMMENDATION:**

Approval